

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Felix Fogg Jr.

Docket No. 4:10-CR-84-FL-1

Petition for Action on Term of Supervised Release

COMES NOW Maurice J. Foy, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Felix Fogg Jr., who, upon an earlier plea of guilty to Distribution of a Quantity of Cocaine, 21 U.S.C. § 841(a)(1), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge on May 31, 2011, to the custody of the Bureau of Prisons for a term of 51 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States probation officer or, at the request of the probation officer, any other law enforcement officer, of his/her, person and premises, including any vehicle, to determine compliance with the conditions, of this judgment.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Felix Fogg Jr. was released from custody on 10/1/2013, at which time the term of supervised release commenced.

On June 4, 2014, and August 4, 2014, the defendant appeared for office visits under the influence of alcohol. He also failed to participate in the Surprise Urinalysis Program from June to July 2014. As a result, on August 11, 2014, the court ordered the defendant to abstain from the consumption of alcohol and abide by the terms and conditions of the Remote Alcohol Monitoring Program for a period not to exceed 90 days.

On October 30, 2014, this case was reassigned to the Honorable Louise W. Flanagan.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant is currently participating in the HOPE Program (Drug/Reentry Court). On December 11, 2014, he missed a HOPE Court session and then missed his substance abuse class on December 13, 2014. The defendant disclosed that he was dealing with a lot of family related stress. To address his missed court and treatment sessions, along with the concerns that Mr. Fogg may be drinking, the HOPE Team recommended that he again participate in the Alcohol Monitoring Program for a period up to 90 days. On December 23, 2014, following HOPE Court, a breathalyzer test was taken and the defendant's BAC was .103. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 90 days. The defendant shall comply with the program procedures and shall pay costs associated with remote alcohol monitoring services.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/Maurice J. Foy
Maurice J. Foy
Sr. U.S. Probation Officer
310 New Bern Ave.
Raleigh, NC 27601
Phone: 919-861-8678
Executed On: December 23, 2014

ORDER OF THE COURT

Considered and ordered this 29th day of December, 2014 and ordered filed and made a part of the records in the above case.

/s/Louise W. Flanagan
Louise W. Flanagan
U.S. District Judge